A. No.

MR. KESHAVARZ: There's more than one Mohammed in the Muslim world.

THE WITNESS: I know.

MR. KESHAVARZ: As an "Ahmad," I understand how many Mohammeds there are.

Q. Do you know where Mohammed is?

A. No.

Q. Do you have a last address for him or a last phone number?

A. No.

Q. How long did he work at the dealership?

A. A few months.

Q. There's some discussion from somewhere that he went back to Egypt. Do you know if Mohammed was from Egypt?

A. Yes.

Q. Do you know if he went back to Egypt?

A. I don't know.

Q. Do you know if he came from Egypt recently before he started working at New York Motor Group?

Nada Smith

A. I don't know.
Q. Does the dealership have information, like his contact information, off the job application?
A. At the time there was a copy of his license and a phone number, yes, that we had kept on file.
Q. Do you still have it?
A. No.
Q. Do you know what happened to it?
A. I don't know. You know, the stuff that was there -- I had left, and I don't know what happened to the stuff that was there.
Q. So it might still be in the files and you don't know one way or the other?
A. I don't know.
Q. How many times did you see Mr. Tuhin crying?
A. Once.
Q. I think, before, you talked about him saying that he couldn't afford it. Let's see what my notes say. I had written down that you heard Mr. Tuhin come in and say he couldn't afford the payments --

Nada Smith

A. Yes.

Q. -- and the payments were too high?

What else do you remember him saying at that time?

A. That's when Mohammed, the sales manager, brought him into the office and was talking to him. And when he was leaving, that's when I noticed that he was crying and I asked Mohammed what happened, why he's upset. He told me he kept saying that he can't afford the payments and he can't have the vehicle anymore, but that he can't do anything about it, because he had the vehicle for a long time and that he made payments on it. So he explained to him that there was nothing that can be done.

Q. But there would be something that could be done if Mr. Tuhin came back to New York Motor Group prior to M&T Bank funding the deal; correct?

A. If he --

MR. SIMON: Note my objection to the form of the question. You're asking --

Nada Smith

MR. KESHAVARZ: Okay, wait, wait.
You objected as to the form.

Q. You may answer the question.

A. If he would have came the next day to return the vehicle, there would have been no problem. But the only thing with him is he kept complaining to Mohammed, telling him that, "Oh, I never signed any of the paperwork. Oh, the paperwork was blank" -- that's what Mohammed was telling me that's what he was saying. And it wasn't true. Because even -- even when the protest happened and the police was called and he explained -- because like I told you the police questioned the protesters, why they were protesting.

To my acknowledgment, the protester -- Mr. Tuhin -- told the police officer that he never signed the document. That's when they came in to ask for the document. I had went to the cabinet and got the paperwork. My father was present at the time and asked to see his paperwork and his license and everything to match the signature, and it all matched. So he told him, "There's no way that you could have not signed this. Your signature is exactly the same" -- that's what the police officer explained to Mr. Tuhin. So then Mr. Tuhin was, like, "Oh, the documents were blank." And then the police officer was, like, "Were the documents blank?" We were, like, "No." He asked me and my father that. And I said "No," because I remembered walking into the office and seeing him sign for that short time, having Julio sign them, and everything like that.

Q. Correct me if I'm wrong, but I thought you didn't actually see him signing it; did you?

A. I saw the documents completed. I didn't -- like I said, I don't know if he had signed before I walked into the office or after I walked into the office, but I know that the documents were completed.

Q. Do you remember seeing Mr. Tuhin or having a conversation with Mr. Tuhin at any other point other than what we've talked about so far?

A. I'm sorry, can you repeat that?

Q. Sure. Did you have any other interactions with Mr. Tuhin other than what we've talked about so far?

A. No. Because whenever he came in he just came in to complain to Mohammed or Julio or whoever was there. I had just seen him, you know, walking in and out those few times.

Q. So how many times between when he first signed the papers and the protests did you see him come into the dealership?

A. He came in twice before the protests. The protest, the first time. The second time, the protest. So that's four. And I believe another two times -- I don't remember if it was two or once, but I remember seeing him after the protest to settle everything.

Q. So it was the first time he was there, and then one other time when he was crying, and then the protests?

A. The first time when he bought the vehicle. The second time when he was upset. He came back again to see Julio. And then -- then that's when he came back to protest.

Nada Smith

Q. So he was there three times prior to the protest?

A. Yes, I believe so. I don't remember exactly, but I think that's three times.

Q. The time that he spoke to Julio; was that the time he was crying or was that another time?

A. That was the second time he came. The first time he came he spoke to Mohammed.

Q. When he spoke to Mohammed, that's when he was crying?

A. Yes. Because he came in complaining to Mohammed that he couldn't afford the vehicle.

Q. Did Mohammed tell you anything else about his conversation with Mr. Tuhin?

A. No. He just told me that he wanted to return the vehicle and he wanted to get out of the loan, that he can't afford it. So he kept asking him what he should do and Mohammed explained to him that there's nothing that can be done since he had already made payments on the vehicle.

Nada Smith

Q. When he spoke with Mr. Estrada, did Mr. Estrada tell you what the conversation was?

A. No.

Q. Did you hear any of that conversation?

A. No.

Q. Was he crying at that point, with Mr. Estrada?

A. No.

Q. Apparently Mr. Estrada -- Julio Estrada -- uses different names?

A. Yeah.

Q. How long did you know him as "Julio Estrada," or what do you know about his name? When did you start calling him "Mr. Estrada"; what do you remember?

A. I thought -- because he went by the name "Jay," and every client he meets he introduces himself as "John DeSantos" -- so I thought that's where the "J" came from, the "John." That's his name. I didn't know his real name was Julio Estrada until a little bit before he had left. Or I left. It was before

Nada Smith

I left, in the last few months that I was there.

Q. So when you said you called him "Jay," did you even think in your mind if you were calling him the letter "J" or the word "Jay"?

A. I didn't think in my mind. That's what he went by, so that's what, you know, that's what everyone called him.

Q. I missed your prior testimony, but I know you worked in a number of different dealerships prior to working at the New York Motor Group.

A. Yes.

Q. Were there any cameras at the New York Motor Group?

A. Yes, there was.

Q. Where?

A. The whole time that I was there.

Q. What would those cameras be recording?

A. Everything. There was a camera in Julio's office, outside in the sales office, and in the main office outside, and in my

Nada Smith

office.

Q. Both audio and video?

A. Yes.

Q. And they were running at all times?

A. Yes.

Q. And those recordings were kept at the dealership?

A. They were kept at the dealership, yes. I don't know where they are now.

Q. Do the finance companies require New York Motor Group to record transactions with consumers?

A. No, I don't think so.

Q. But New York Motor Group records all its conversations with consumers?

A. It doesn't record all the conversations. It just has audio. You don't hear -- you never heard it when it was playing the video. There was an option if you wanted to hear it; but it was not audio, it was just video. But it did record audio.

Q. I'm trying to figure out was the default that it would record audio and video?

Nada Smith

That would be the default setting?

A. Yes.

Q. So as a general rule it would always be recording audio and video?

A. I don't know if it recorded always audio. I know there was the option of audio, but it always recorded video.

Q. But it would normally be on to also record audio?

A. I don't know. I never adjusted the cameras or played with them or did any of the settings.

Q. Why would New York Motor Group have those cameras?

A. They have cameras for security purposes.

Q. And it kept those recordings; right?

A. Yes.

Q. For how long?

A. I don't know.

Q. Do you know if New York Motor Group ever destroyed those recordings?

A. I don't know.

Nada Smith

Q. Were they recorded onto a hard drive somewhere, or do you know?

A. I have no idea.

Q. Who would know?

A. Probably my father. I don't know.

Q. Did you have a tech guy there at all?

A. We did have a tech guy, yes.

Q. Who was that?

A. He wasn't working on the premises. He was just the guy that we called to come and check things if we had an issue with them.

Q. Did he do any of the video stuff?

A. Yes.

Q. So he didn't know about where the information was being recorded?

A. Yes.

Q. What is his name?

A. I don't know. I saw him once when I was there.

Q. Who would know what the person's name was?

A. Probably my father.

Q. Did you ever write checks to pay

that individual?

A. No.

Q. Do you know how he was paid?

A. No.

Q. Do you know if he worked for a company?

A. I have no idea.

Q. You only met him once?

A. Yes.

Q. Nice guy?

A. Nice guy.

Q. Did he set up the cameras?

A. I don't know.

Q. The cameras were there the entire time you worked there?

A. The cameras were there before I got there.

Q. I'm confused. I just want to make sure I understand. Generally, the default was that the cameras could record both audio and video; is that true?

A. I know it had both settings, yes.

Q. I want to make sure: Do you know if the default settings for the camera were set

Nada Smith

to record both audio and video?

A. I don't know. I know that it was just video for sure, because I saw the video.

Q. You saw it live or you saw it playing back?

A. The monitor for the video was in the office that I was sitting in, so I saw the video.

Q. Do you know if the video camera is just in the offices -- Mr. Estrada's office, for example? Do you know if that was generally set to record audio?

A. I don't know.

Q. But they all had the capacity to do that?

A. Yes.

Q. And sometimes they actually did do that?

A. I don't know.

Q. Do you know if those were tapes?

A. I don't know.

Q. What I'm calling the "tech guy," was he the tech guy the whole time you were there? I know you only met him once.

Nada Smith

A. Yeah. I don't know if that was the same one that originally installed the cameras or if he was with the company the whole time. I know that he came once just to check up on the cameras.

Q. If you know, is one of the reasons that New York Motor Group has video recordings with the capacity of audio recording -- one of the reasons -- in case consumers have complaints about transactions?

A. I know that they were there for security purposes, you know, at night, if anyone steals a car or anything like that. No, it wasn't really meant for any other reason, I don't think. I don't know.

Q. Tell me where the cameras are again.

A. They were outside, and in our offices.

Q. So they were in Mr. Estrada's office?

A. There was one in Mr. Estrada's office, one in my office, one in the main opening, three outside, and one in the sales

Nada Smith

department.

Q. Those are the ones I'm most interested in. Mr. Estrada's office, in the sales department, and the office.

A. Okay.

Q. Do you know if those recordings were made at all because of consumer complaints?

A. I don't know.

Q. All right, fair enough.

When Mr. Estrada worked there, did you take a copy of his ID before he started working there?

A. No, because my father had hired him and brought him in to work.

MR. SIMON: Could you talk louder so we can hear?

A. My father had hired him, so I didn't take anything. I wasn't in charge of hiring, so.

Q. Did you do any of the payroll stuff?

A. No.

Q. Did you fill out a W-9 or a W-2 or

a W-3 or whatever it's called?
A. No.
MR. KESHAVARZ: I don't even remember which is which.
Q. Do you remember about Mr. Tuhin leaving the car back at the dealership at some point?
A. I know that he had came and parked it at the dealership. I'm trying to think if he left it or came in to speak to somebody. I don't remember. I know that he parked it at the dealership though.
Q. Do you remember if he parked it at the dealership and took the license plates off?
A. I think he did. Honestly, I don't -- I'm not too sure, but I think he did.
Q. Do you know if someone at the dealership drove the car back from the dealership to Mr. Tuhin's house?
A. I don't know.
Q. Do you know if someone from the dealership dropped the car off at Mr. Tuhin's house and gave the keys back to someone at Mr. Tuhin's house, or do you know?

Nada Smith

A. I think someone did that, yes. I don't know who exactly it was, because I wasn't there. I wasn't present. I don't know exactly what happened or how it happened, but I do believe that someone did drop off the keys to Mr. Tuhin.

Q. Why do you believe that? What makes you think that?

A. Because someone was saying it in the office. I don't remember who was talking about it, but someone had mentioned something about it.

Q. Were they mentioning something about dropping off both the keys and the car at Mr. Tuhin's residence?

A. I don't know about the car, but I know about the key. It was a brief thing that I overheard, you know. I wasn't really paying attention.

Q. I was going to ask you about this.

MR. KESHAVARZ: We can mark this as an exhibit.

(Document entitled "Santander Consumer USA Reference Release Form" is

Nada Smith

marked as Plaintiff's Exhibit 8 for identification, as of this date.)

Q. Do you know what that document is; Plaintiff's Exhibit 8?

A. A reference release form.

MR. SIMON: You have to keep your voice up.

A. Reference release form.

Q. What is that? What is a reference release form?

A. I believe it's for the client to give a list of references.

Q. The note at the top says "Santander"; do you see that?

A. Yes.

Q. Do you know if the dealership tried to do any financing for Mr. Tuhin's vehicle through Santander?

A. I don't know.

Q. Does the dealership -- if you know, one way or the other -- use forms from one finance company such as in Exhibit 8, and then a different finance company actually funds the vehicle? Or do you know?

Nada Smith

A. I don't know.

MR. KESHAVARZ: I pass the witness. Did you want to take a break now?

THE WITNESS: Yes.

MR. KESHAVARZ: Let's take a break.

MR. LANE: I'm going to have some redirect.

MR. KESHAVARZ: Why don't we go off the record.

MR. LANE: Sure.

(A discussion is held off the record. Brief recess is taken.)

oOo

CONTINUED EXAMINATION BY MR. LANE:

Q. Hello again.

A. Hello.

Q. I just have to follow up with a few more questions. You're aware that there are six different cases here and Mr. Keshavarz was just asking you about his client, Mr. Tuhin.

Nada Smith

I did want to ask you about some of the other cases of the plaintiffs that I represent.

A. Okay.

Q. Are you familiar with Simon Gabrys? G-A-B-R-Y-S.

A. I believe so.

Q. Can you tell me what you remember generally about Simon Gabrys's case?

A. If I'm not mistaken, he claimed that Julio had taken money from him and he wanted it back. But it was the fact that he got overcharged, I believe, if I'm speaking about the correct client. I'm not sure.

Q. Do you remember ever being a part of any conversations with Mr. Gabrys?

A. No. I remember I followed up with him once, just to, you know, try to see what the issue was, because when he came in, he came in to see Julio and went directly to his office. So I just called him just to follow up. And he had complained and said to me that Julio had taken money from him. I questioned Julio. Julio never took any money from him --